

REMARKS

Claims 6, 8, 19, 31-33, and 37-39 are pending. The Examiner rejected all of the claims as obvious over Hirano in view of Van Stone or Hirano in view of van Stone and Lotspeich. Hirano cannot be combined with Van stone because Van Stone renders Hirano inoperable and thus all of the rejections must be withdrawn. (See MPEP 2145[X.D]).

A primary object of Hirano is to:

provide a data management method that by encrypting and distributing digital content prevents copyright infringement, and that prevents authorization information for decrypting the encrypted digital content from being damaged or otherwise lost.

(See Hirano at col. 2, ll. 7-12). To do this, it teaches embedding the encrypted key within the content itself (e.g., as a watermark, using extracted sample content) so that the key remains with the downloaded content, i.e., it cannot get separated from it as would be the case if sent separately from the content. (See Hirano at col. 1, l. 62 to col. 2, 1.3). On the other hand, Van stone teaches an encryption scheme directed to secure two-way communication between first and second agents (A, B). Van Stone teaches establishing a session key, based on private information from both parties at the time of communications, and using that key for the particular session. (See, e.g., Van Stone Summary). So, if this Hash or key approach is incorporated into Hirano, Hirano's content no longer comes with a self-contained key. This would require the user to request a key every time it wants to play the digital content, not to mention the fact that the key could get separated from the content or get damaged, requiring the user to request another authorization, which goes against express objects of Hirano.

Accordingly, the references may not be combined and the rejections should be withdrawn.

CONCLUSION

All of the claims are in condition for allowance. Accordingly, Applicant respectfully request the Examiner to pass this case to issue at the Examiner's earliest possible convenience.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 512/238-7253.

Respectfully submitted,

Date: October 30, 2008 /Erik Nordstrom, Reg. No. 39,792/

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